

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN MONTUE,

Petitioner,

No. CIV-S-05-0935 LKK JFM P

vs.

TERESA A. SCHWARTZ, et al.,

Respondents.

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On June 1, 2005, the magistrate judge filed findings and recommendations herein which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within twenty days. Petitioner has filed objections to the findings and recommendations.¹

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¹ Petitioner has included with his objections a request for release on his own recognizance or on bail during the pendency of this action. For the reasons set forth in the magistrate judge's findings and recommendations, petitioner's habeas corpus application must be dismissed without prejudice. A fortiori, his request for release on bail will be denied.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-
2 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire
3 file, the court finds the findings and recommendations to be supported by the record and by
4 proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations filed June 1, 2005, are adopted in full;
7 2. Petitioner's request for release on his own recognizance or reasonable bail is
8 denied; and
9 3. This action is dismissed without prejudice. See 28 U.S.C. § 2244(b).

10 DATED: August 10, 2005.

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13 /s/Lawrence K. Karlton
14 UNITED STATES DISTRICT JUDGE

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